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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth and fifth periodic reports of Cambodia

Addendum

Information provided by Cambodia in follow-up to the concluding observations*

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Note: The present document is being circulated in English, French and Spanish only.

* The present document is being issued without formal editing.

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Introduction

1. Since the last periodic report submitted to the Committee and its review at the Committee (October 2013), the Royal Government of Cambodia has intensified its efforts to effectively and efficiently implement the Convention. Eliminating discrimination against women and ending violence against women is one of the top priorities of the Royal Government of Cambodia. The 2nd National Action Plan to Prevent Violence against Women 2014-2018 (2nd NAPVAW) is being implemented including a coordination mechanism among different stakeholders to hold various duty bearers accountable. In order to make necessary services available and accessible for women, local authorities are actively cooperating with civil society organizations.

2. The Committee requested Cambodia to provide follow up information for concluding observation 15 and 21 by October 2015. Pursuant to the request, the Kingdom of Cambodia provides the following.

Concluding observation 15 (a): provide effective redress to victims of sexual and gender-based violence, in particular sexual violence, against women committed during the Khmer Rouge regime, and consider to develop effective non-judicial transitional justice programmes, including the provision of adequate reparation and psychological and other appropriate support

Survivors' needs identified through dialogues

3. A number of dialogues with survivors of gender-based violence during Khmer Rouge regime have been organized (11-12 December 2011, 10 October 2012, 24 September 2014 and 26 March 2015), to identify redress schemes for survivors of gender-based violence. Three categories of redress schemes have been organized: public acknowledgement, health support and empowerment. The series of dialogues were attended by approximately 2000 participants including a large number of Khmer Rouge survivors, university students and stakeholders from United Nations agencies, national and international non-governmental organizations (NGOs), government institutions and the media. These dialogues allowed for the presentation of first-hand accounts of sexual violence from survivors and witnesses and included expert testimonies on the Khmer Rouge. These dialogues contributed to clarification of survivors' needs.

Public acknowledgment about past crimes and public education

4. The process of public acknowledgment of past crimes through a national education curriculum has been established. Since 2010, the history of the Khmer Rouge regime has been included into the official education programme. To support this effort 500,000 copies of history books exclusively about the Khmer Rouge regime were published and delivered to 454 high schools in 189 of cities/districts/khans, and to the pedagogy schools in 19 provinces and 1 municipality. These books are also available at school libraries for students to read, and also serve as reference books for teachers. It is hoped that all children study about violence against women so that they understand the scope of harm

inflicted by violence against women. In addition, in 2014, the Royal University of Phnom Penh developed a gender studies curriculum for university education usage which includes a specific session on gender-based violence during Khmer Rouge in the context of Security Council resolution 1325.

5. The booklet on facts adjudicated in case 002/01 and civil party participation, "Stories from civil parties participating in the Extraordinary Chambers in the Courts of Cambodia", also includes stories of three gender-based violence civil parties. It was printed (2,030 copies) and distributed to civil parties, NGOs, researchers, some universities, and to the national library. All the names of civil parties at the Courts, including survivors of gender-based violence, are also in the web site for public acknowledgement.

6. Additionally, from 2011 to 2014, the Victim Support Section of the Extraordinary Chambers in the Courts of Cambodia and its partners produced and disseminated 29 call-in radio shows on gender-based violence under the Khmer Rouge, sharing the experiences of women and men, the progress of the legal proceedings by the Chambers, and its implications for gender issues in Cambodian society today. The approach has been instrumental in reaching a wider audience in more rural areas of Cambodia. The monthly broadcasts and regular rebroadcasting of the project's 29 call-in radio shows has been important to reach a wider audience in more rural areas of Cambodia. The main objective was to inform the general public about gender-based violence under the Khmer Rouge. In addition, 400 copies of the radio shows were published on DVDs and distributed to universities, NGOs and government institutions throughout Cambodia. The number (309) of listeners who called in and actively participated in the radio show is considered relatively high.

Reparation to victims of gender-based violence

7. The Extraordinary Chambers in the Courts of Cambodia were established based on the Royal Government of Cambodia's request to the United Nations to prosecute the most responsible and senior leaders from the Khmer Rouge regime. The Chambers have been making progressive process to provide effective redress to victims of gender-based violence from the Khmer Rouge regime. The reparation scheme of the Chambers is "moral and psychological" (collective and moral) in nature. It aims to formally recognize victims, restore their dignity and establish a collective memory. Survivors who want to join the proceedings can file civil party applications to the Victim Support Section of the Extraordinary Chambers in the Courts of Cambodia, who then deliver them to the judges for admissibility. As of September 2015, 779 of the total 4,000 civil parties in Case 002 are survivors of violence against women (crimes of forced marriage and rape in the context of forced marriage).

8. The Chambers' reparation scheme uses a victim-centred approach from a perspective of procedural justice as well as substantial justice. Civil parties, including survivors of violence against women, have been invited to attend hearings to listen to what happened in the courtroom, and could ask questions through their lawyers to the accused. They have been provided with legal and psychological counselling. The Victim Support Section and NGO partners have frequently invited them to forums, meetings, and trainings as well. Throughout the development of the reparation process, civil parties were consulted and their requests were later turned

into projects for implementation. This process has made survivors of gender-based violence satisfied and these have constituted an important component of successful reparations.

9. At the end of Case 002/01, 11 reparations projects were endorsed by the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia on 7 August 2014:

- National Remembrance Day.
- Construction of a memorial in Phnom Penh.
- Testimonial therapy: The recording of testimonies of traumatic experiences is being done with the assistance of mental health workers. The recordings will be read out and handed to the civil parities during cultural or religious ceremonies.
- Self-help groups: The project includes six group therapy sessions with monthly meetings and consultations with a professional therapist over the course of 9 months.
- Permanent exhibition: Permanent public exhibition spaces will be established in five provinces, which will display photographs, exhibits, documents, audiovisual recordings of Civil Parties and other survivors, artwork, historical displays and other interactive resources designed to preserve accounts of the Khmer Rouge era and to educate the public about the Khmer Rouge regime.
- Mobile exhibition and education project: A mobile exhibit will be established exploring history and transitional justice.
- Inclusion of a chapter on forced population movement and executions at Tuol Po Chrey within the Cambodian school curriculum.
- Construction of a peace learning centre (Battambang Province) with a library and organized excursions for Cambodian youth to execution sites.
- Booklet on facts adjudicated in Case 002/01 and civil party participation: This will explain the judicial process of the Extraordinary Chambers in the Courts of Cambodia, with a focus on documenting the crimes in Case 002/01 and provide an explanation of civil party participation.
- Two editions of the verdict in Case 002/01: This will be both a complete and a summary version of the verdict.
- Inclusion of civil party names on the Extraordinary Chambers in the Courts of Cambodia website: Inclusion of all civil parties' names on the website as an additional means of recording their participation within the Case 002 trial.

10. These projects have benefited all civil parties and all directly support the redress process for survivors of gender-based violence as they are participating in the programmes.

Psychological support for survivors of violence against women

11. For health-related matters, the following actions have been taken.

- "National guidelines for managing violence against women and children in the health system" was developed and launched by the Ministry of Health in 2014.

Health staffs at referral hospitals and health centres are being trained in regard to the method of providing services to survivors from sexual violence. In addition, ongoing trainings focus to improving capacities of health staffs on post-traumatic stress disorder.

- "Guidelines of minimum package of activities for health centre development" was developed to be used for development planning and provision of health services at all health centres including basic mental health services, health education in the communities and refer victims to referral hospital for mental health treatment services.
- "Guidelines for complementary package of activities for referral hospital development" was updated in 2014 in order to provide guidance on the establishment of referral hospital, strengthening hospital management and service provision of all referral hospitals including maternal and child health and mental health services. For special group of patients, such as mental disorder and violence against women violence, therapists provide services and focus more on counselling. However, due to human resource constraints, not all referral hospitals provide specialized mental health services yet. It is hoped that in the near future all referral hospitals equip same capacity for assisting survivors of violence against women.
- The Victim Support Section of the Extraordinary Chambers in the Courts of Cambodia and its partners provided the psychological services through 15 self-help groups for a total of 150 gender-based violence civil parties, psychological treatment for approximately 35 gender-based violence civil parties and used a culturally adopted "testimonial therapy" approach for approximately 42 gender-based violence civil parties and implemented 18 forum theatre performances with approximately 1,700 people including gender-based violence survivors. The services contribute to better mental health of gender-based violence civil parties because they allowed survivors to be seen, heard in public, and to reveal their comprehensive truth of what happened during the Khmer Rouge regime. Survivors could also receive psychological treatment by psychiatrist.

Empowerment of survivors of gender-based violence at the Extraordinary Chambers in the Courts of Cambodia/non-judicial transitional justice programme

12. Apart from judicial reparation provided by the Chambers, the Victim Support Section at the Extraordinary Chambers in the Courts of Cambodia in partnership with Transcultural Psychological Organization and Cambodian Defender Project have a non-judicial measures project entitled: "Promoting gender equality and improving access to justice for female survivors and victims of gender-based violence under the Khmer Rouge regime". The Victim Support Section and its partners have conducted activities such as the coordination of gender-based violence survivors (civil parties) attendance at hearings, organizing women hearings outside the Chambers to allow gender-based violence survivors to share experience to younger generations.

13. Substantial hearings of Case 002/02 have recently started. Crimes with relation to violence against women (forced marriage and rape in the context of forced marriage) have been included in its scope. Throughout the process, the facts related to the crime will be heard, and related reparation projects should be initiated.

Concluding observation 15 (b): take advantage of the process of drafting the second National Action Plan to End Violence against Women to fully incorporate into it the provisions of the Convention and of Security Council resolution 1325 (2000)

Royal Government of Cambodia's compliance with internationally agreed framework

14. Cambodia ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1992 and its Optional Protocol in 2010. As a signatory to the Convention, and in compliance with the responsibilities set forth in the Beijing Platform for Action, Cambodia has demonstrated a firm commitment to enact legislations and policies that can address and respond to violence against women. In addition, as a member state of the United Nations, Cambodia is obliged to implement all Security Council resolutions, in particular to the Women, Peace and Security related Security Council resolutions 1325, 1820 and 1888.

Second NAPVAW (2014-2018)

15. The 2nd NAPVAW was prepared by Technical Working Group on Gender-Based Violence and was approved by the Council of Ministers on 5 December in 2014. The 2nd NAPVAW specifically includes a focus on women, peace and security as compliance to the internationally committed promises to implement Security Council resolution 1325. In the 2nd NAPVAW, one expected output is specifically with both the Convention and Security Council resolution 1325, which sates, "Compliance to the internationally agreed upon commitments to address violence against women particularly within the framework of Security Council resolution 1325". For legal aid and access to justice among women, the plan includes a legal and justice reform process, which considers and discusses violence against women issues within the framework of international standards including Security Council resolution 1325.

Concluding observation 21 (a): intensify efforts to train judicial and law enforcement officers on the strict application of the Law on the Prevention of Domestic Violence and Protection of Victims to ensure that cases of violence against women, including domestic and sexual violence, are effectively prosecuted and not systematically diverted to mediation

Intensifying efforts through 2nd NAPVAW implementation

16. Ensuring survivors of violence against women to have access to timely and comprehensive legal protection and services including police, health, legal aid, counselling and other social services is essential for the protection of the basic rights of all survivors. Thus it is located as one of the main pillars in the 2nd NAPVAW as well. It has been identified and recognized that a variety of interventions are required to respond to the various types of violence against women and to target and appropriately respond to the needs of various vulnerable groups.

Mediation scheme will be regulated

17. Article 25 of the criminal procedure code states, "A victim can waive his right to seek compensation or withdraw his complaint. The victim's waiver or withdrawal of the lawsuit does not stop or suspend the criminal action except as provided in point 2 of Article 8 (Other Causes of Extinction of Criminal Action) of this Code." However, in Cambodia, mediation is widely practiced for a dispute resolution, commonly in domestic violence. The Law on Prevention of Domestic Violence and Protection of Victims (Domestic Violence Law) only permits mediation in cases that are not criminal; however mediation is commonly practiced in all cases. As a result, a study was completed in 2015 to assess the practice of mediation in violence against women cases in Cambodia. The study recognized that mediation has been practiced and will continue, therefore, it recommended to key stakeholders to strengthen the practice by developing minimum standards on mediation in domestic violence cases, codes of conduct for mediators and clarification of the categorization of serious and non-serious cases of domestic violence.

Institutional efforts to strengthen the application of violence against women laws

18. For the purpose of ensuring availability and accessibility of services to survivors, as a fundamental step, a gender mainstreaming action plan (GMAP) was developed by the Ministry of Justice and this Action Plan became a part of the strategic plan of the Ministry of Justice (2014-2018) so that gender is mainstreamed in the enforcement of violence against women related laws. In this strategic plan, the training is a prioritized action in regard to both national and international laws on violence against women and those are widely disseminated for practical application among jurists in all over the Kingdom.

19. As a process to implementing Gender Mainstreaming Action Plan, many training courses were held as follows:

- At the national level, training for judges and prosecutors about the Convention on the Elimination of All Forms of Discrimination against Women and the Domestic Violence Law were provided in 2013, with judges, court clerks, lawyers, prosecutors participating. There were 100 participants (22 women).
- At the subnational level, workshops were held on the Convention in 7 provinces in 2013.
- Training courses about the Convention and violence against women related laws, including the Domestic Violence Law, were held in 2014 with more than 100 participants from legal professions participating (25 women).
- At the subnational level, 7 provinces were selected for training (different provinces from 2013) and there were more than 700 participants (203 women).
- A national conference on women judges and prosecutors and training on the Convention on the Elimination of All Forms of Discrimination against Women for lawyers, judges and prosecutors were organized.

Efforts to train lawyers for the application of violence against women laws

20. Institutionalization of gender-sensitive legal service training is in process at the Lawyer's Training Centre by the Cambodian Bar Association. The Lawyer's Training Centre developed a training curriculum on working with and representing victims of gender-based violence (including with regard to the specific needs of vulnerable groups of women). The training was conducted on 17 December 2014, and will continue in the academic year 2015.

Intensifying the capacity-building of law enforcement officers

21. As a prioritized action in the 2nd National Action Plan on Violence Against Women (NAPVAW), capacity-building about violence against women related laws is occurring for the local authorities as follows:

- Training course on violence against women related laws and legal procedures for local authority in 24 provinces/cities (2010-2015) with approximately 120 participants attending annually (totally 600 officials including 550 women).
- A number of round-table discussions were held and were broadcast on national television.
- Core trainers were trained at the regional level about prevention of human trafficking and sexual exploitation. In total, five training courses were completed with 180 trainees (175 women) in the provincial and district levels (nationwide). These core trainers conducted training programmes at the community level with local villagers in villages with approximately 1,000 participants (660 women) (2014-2015).
- The city, municipal, commune, and provincial police forces have been trained on skills for responding to violence against women, in accordance with the Domestic Violence Law. This initiative has been strengthened as a part for Commune Safety Policy of the Ministry of Interior (MOI) in order to fulfil obligations under the Security Council resolution 1325.

Monitoring to be strengthened for implementation of violence against women laws

22. The Ministry of Justice is making progress in setting up a data monitoring system on violence against women cases. Data collection system is of crucial importance to monitor whether the laws are implemented for violence against women cases. For this, the Ministry has cooperated with the Cambodian Criminal Justice Assistance Project and makes annual report concerning the specific types of violence against women cases in the courts.

Concluding observation 21 (b): encourage women to lodge formal complaints about domestic and sexual violence, by destigmatizing victims and raising awareness about the criminal nature of such acts

Judicial police agents supporting women at grass-roots level

23. To effectively encourage women to lodge formal complaints about violence against women, 143 judicial police agents of Ministry of Women's Affairs have

been appointed nationwide (as of September 2015) and they are actively supporting survivors by de-stigmatizing them. Agents are tasked to advocate for the legal rights of survivors of violence against women and support survivors throughout the legal process. Agents are currently serving at the municipal/provincial level and training courses were provided to improve their capacity in delivering services to survivors.

Special attention for marginalized women for their access to justice

24. The 2nd NAPVAW promotes special attention to marginalized women, or women with increased risk, by ensuring availability and accessibility of services for them so that they can also make official complaints without stigmatization due to their disadvantaged situation. Public awareness campaigns targeting young women from diverse backgrounds have been organized, as a new initiative led by civil society in close cooperation with government institutions. A public dialogue was held in August 2015, in Phnom Penh and more than 50 young women living with HIV/AIDS, lesbian, bisexual and transgender women participating with high officials from the government institutions attending along with journalists who covered the dialogues. This activity will continue to be held till the end of 2015, with a possibly to be extended.

Concluding observation 21 (c)

Continue public awareness-raising campaigns on all forms of violence against women, in particular in rural areas

Good men campaign for public awareness-raising

25. Primary prevention is one of the main pillars in the 2nd NAPVAW and a large number of public awareness campaigns to end violence against women have been organized.

- "*Good Men Campaign*" (2011 to 2015) was organized through partnership with 11 Cambodian NGOs and beyond media utilization (television, radio, Facebook, and magazines/newspapers). Within this campaign, 24 community forums were conducted in 6 provinces with 4,300 civil servants and 7 public marches were organized (2014 and 2015) in 7 city and provinces (2,250 participants) and thousands of people also received the message to stop violence against women through these events and media coverage.
- 2,000 officials (998 women) were trained to build their capacity building on understanding about gender issues from a man's perspective. This was an innovative approach in Cambodia. The end line survey of this "*Good Men Campaign*" is under way, so that in the next periodic report more comprehensive analysis and results can be reported.
- Public marches in 4 provinces were also held to encourage men to change their behaviour to be more gender sensitive. And those campaigns were broadcasted on 12 Radio/television channels in order to spread information about "*Good Men Campaign*", which encourages men to stop violence against women and encourage women to file official complaints.
- Awareness-raising campaigns in 12 provinces were held for the purpose of enabling women at grass-roots level to understand their basic rights and the

process to make an official complaint in case of violence against women and approximately 10,000 citizens attended (more than half is women).

26. These campaigns continuously spread the messages that violence against women is a crime and unacceptable and encourage women to file official complaints of sexual violence.

Intensified efforts to prevent trafficking in women and girls

27. To specifically address trafficking in women and girls, a safe migration campaign was held in 2014 in three provinces that have borders with Thailand, where many women are migrating to Thailand. In the campaign, training courses for trainers at regional levels were conducted. In total 72 trainees gained advanced knowledge and they spread the information in their villages (12 districts within the 3 provinces), and total participants were 4,768 (3,193 women).

Annual nationwide campaign — 8 March and 16 days campaign

28. International Women's Day (8 March) is a national holiday in Cambodia and utilized to raise awareness about the importance of gender equality and ending violence against women in the society. The majority of government institutions organize a large event at their institution/ministry and top management encourages the officials to respect women's rights and promote gender equality, as well as the importance of ending violence against women at home and at public places. Many civil society organizations have been also actively carrying out a variety of campaign activities to end violence against women at both national and subnational levels. The most common campaign is 16 days of activism (25 November-11 December) to end violence against women.